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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/516,402	03/01/2000	Neta Amit	MS1.2692US	2983

22801 7590 01/19/2007
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EXAMINER

PYZOCHA, MICHAEL J

ART UNIT	PAPER NUMBER
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2137

SHORTENED STATUTORY PERIOD OF RESPONSE	NOTIFICATION DATE	DELIVERY MODE
3 MONTHS	01/19/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Notice of this Office communication was sent electronically on the above-indicated "Notification Date" and has a shortened statutory period for reply of 3 MONTHS from 01/19/2007.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

lhptoms@leehayes.com

Office Action Summary

Application No.

09/516,402

Applicant(s)

AMIT ET AL.

Examiner

Michael Pyzocha

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 December 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) 11-21 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>5/20/05</u> . | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

1. Claims 1-10 have been considered.
2. Amendment filed 04/25/2005 has been received and considered and the response to restriction filed 12/07/2006 has been received and considered.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 2, 5, 8, and 9, are rejected under 35 U.S.C. 102(e) as being anticipated by Carter et al (US pat 6,742,114).

Regarding claim 1, Carter teaches a computer-implemented method comprising: receiving a request for network account credentials from an originating account associated with an unpublished object at a dispatch (col.3 lines 30-31 Distributed Deputization Point) associated with a published object, the request directed to the published object associated with the

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dispatch includes identification of the unpublished object associated with the originating account (col.8 lines 19-33; col.8 line 62 thru col.9 line 17); authenticating the originating account at the dispatch (col.8 lines 34-43); and, upon authenticating the originating account, sending an emblem for a network account to the originating account, the emblem sent to the unpublished object associated with the originating account and having the identification as included with the request (col.9 lines 32-41).

Regarding claim 2, Carter teaches the request is unencrypted, and the emblem is encrypted (col.9 lines 4-17; col.9 lines 35-39).

Regarding claim 5, Carter teaches the emblem comprises a token (col.9 Lines 32-41).

Regarding claim 8, Carter teaches the network account for which the emblem is sent from the dispatch to the originating account comprises an agent account of an agent (col.8 Line 62 thru col.9 Line 17; col.9 Lines 42-52; col.10 Lines 22-32).

Regarding claim 9, Carter teaches sending an emblem for the network account to the originating account comprises; proxy logging on to an agent (col.8 Lines 12-15); remotng an agent account to the originating account upon proxy log on to the agent, such that the emblem comprises an emblem for the agent

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account (col.8 line 62 thru col.9 Line 17; col.9 Lines 42-52;
col.10 Lines 22-32).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carter.

Regarding claims 3 and 4, Examiner takes official notice that message queues and files are well known in the art. It would have been obvious to one of ordinary skill in the art at the time of the invention to utilize message queues or files in order to store or transport data.

7. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Carter.

Regarding claim 10, Carter teaches the emblem is expirable, such that the method further comprises determining whether the emblem is about to expire (col.11 lines 17-26). Carter does not

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teach renewing the emblem with a renewing authority; however, Examiner takes official notice that renewing an expired emblem/token/certificate is well known in the art. It would have been obvious to one of ordinary skill in the art at the time of the invention to utilize a renewing function in order to allow a user to continue credential usage after their allotted time has expired.

8. Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carter, and further in view of Hoffman et al (US pat 5,613,012).

Regarding claim 6, Carter teaches the method of claim 1, but does not teach the network account to the originating account comprises remoting the batch account to the originating account, such that the emblem comprises an emblem for the batch account. Hoffman teaches the network account to the originating account comprises remoting the batch account to the originating account, such that the emblem comprises an emblem for the batch account (col.39 line 55 thru col.40 line 11). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Carter's deputized computer system with Hoffman's identification system for electronic transactions in order to provide a fraud-resistant system that will allow a user

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to access multiple accounts and procure all services authorized to the user (Hoffman col.5 line 25 thru col.6 line 27).

Regarding claim 7, Cater teaches the method of claim 1, but does not teach sending an emblem for the network account to the originating account comprises remoting the batch account to the originating account, such that the emblem comprises an emblem for the batch account. Hoffman teaches sending an emblem for the network account to the originating account comprises remoting the batch account to the originating account, such that the emblem comprises an emblem for the batch account (col.39 line 55 thru col.40 line 11). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Carter's deputized computer system with Hoffman's identification system for electronic transactions in order to provide a fraud-resistant system that will allow a user to access multiple accounts and procure all services authorized to the user (Hoffman col.5 line 25 thru col.6 line 27).

Response to Arguments

9. Applicant's arguments filed 04/25/2005 have been fully considered but they are not persuasive. Applicant argues: Carter fails to teach a dispatch and receiving a request for network account credentials from an originating account at a dispatch

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and does not teach sending an emblem for a network account to an originating account; Carter does not teach an emblem; Carter does not teach enabling the originating account to obtain permissions which it does not have by receiving an emblem for the agent account of an agent; Carter fails to disclose a proxy log on to an agent and remoting the agent account to the originating account upon proxy log on to the agent account such that the emblem comprises an emblem for the agent account; Hoffman is non-analogous art and the motivation in conclusory; the encrypted batch containing errors is clearly not credentials of the DPC or the issuer terminal; Hoffman does not teach sending an emblem for the network account to the originating account comprises remoting a batch account to the originating account such that the emblem comprises an emblem for the batch account.

Regarding Applicant's argument that Carter fails to teach a dispatch and receiving a request for network account credentials from an originating account at a dispatch and does not teach sending an emblem for a network account to an originating account, Applicant appears to be reading the specification into the claims because Carter's DDP is read as the dispatch and similarly for the emblem. Although the claims are interpreted in light of the specification, limitations from the

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specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Therefore, the cited portions of Carter teach the limitations of claim 1.

Regarding Applicant's argument that Carter fails to teach an emblem, the transmitted credentials of Carter with the digital signature are the emblems. Since there is a digital signature the information is encrypted.

Regarding Applicant's argument that Carter does not teach enabling the originating account to obtain permissions which it does not have by receiving an emblem for the agent account of an agent, this argued limitation is not part of the claims and Applicant again appears to be reading the specification into the claims.

Regarding Applicant's argument that Carter fails to disclose a proxy log on to an agent and remoting the agent account to the originating account upon proxy log on to the agent account such that the emblem comprises an emblem for the agent account, Applicant is directed to the cited portions of columns 8 and 9 where the user logs onto a client which communicates with the principle server. Which sends the account information to the principle. Therefore, the user is proxy

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logging into the principle. Furthermore, as discussed above the emblem is clearly disclosed by Carter in column 9 lines 32-41.

Regarding Applicant's argument that Hoffman is non-analogous art and the motivation is conclusory it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case Hoffman is pertinent to the particular problem of secured distributed impersonation within batch systems based on Hoffman's teaching the specifics of the batch systems. With respect to Applicant's argument that the motivation is conclusory, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the cited portion of Hoffman provides motivation to combine in order to provide a fraud-resistant system that will

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allow a user to access multiple accounts and procure all services authorized to the user (Hoffman col.5 line 25 thru col.6 line 27).

Regarding Applicant's argument that the encrypted batch containing errors is clearly not credentials of the DPC or the issuer terminal, the bank issuer code of the bank is added and this credential is used by the DPC in order to make changes to the user account for that bank and when this is combined with the emblem as taught by Cater, the limitations of claim 6 have been met by the cited prior art.

Regarding Applicant's argument that Hoffman does not teach sending an emblem for the network account to the originating account comprises remoting a batch account to the originating account such that the emblem comprises an emblem for the batch account, as put forth above with respect to claim 6, the combined references teach the remoting of an emblem because the Hoffman system forwards the users credentials to the DPC for the batch account to make changes and this information when combined with the emblem as taught by Cater teaches the limitations of claim 7.

Conclusion

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Pyzocha whose telephone number is (571) 272-3875. The examiner can normally be reached on 7:00am - 4:30pm first Fridays of the bi-week off.

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Russell (US 20050015775), Rich (US 5918228), Ault (US 6338064), and Helland (US 6014666).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on (571) 272-3865. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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